

# House File 501 - Introduced

HOUSE FILE \_\_\_\_\_  
BY SMITH and BAUDLER

Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

## A BILL FOR

1 An Act relating to receiving an evaluation in lieu of a criminal  
2 fine or civil penalty in certain simple misdemeanor cases.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
4 TLSB 2076HH 82  
5 jm/gg/14

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1 1 Section 1. NEW SECTION. 903.7 ALCOHOLIC BEVERAGES AND  
1 2 CONTROLLED SUBSTANCES VIOLATIONS == EVALUATION IN LIEU OF  
1 3 PAYMENT OF FINE OR PENALTY.  
1 4 1. As used in this section, "mental health professional"  
1 5 means the same as defined in section 228.1.  
1 6 2. If a person is convicted of a simple misdemeanor  
1 7 offense under chapter 123 or chapter 124, the court may, as  
1 8 part of the sentence, suspend the fine and order the person to  
1 9 receive an evaluation from a mental health professional or a  
1 10 certified alcohol and drug counselor.  
1 11 3. If a person receives a deferred judgment for a simple  
1 12 misdemeanor offense under chapter 123 or chapter 124, the  
1 13 court may, in lieu of assessing the civil penalty pursuant to  
1 14 section 907.14, order the person to receive an evaluation from  
1 15 a mental health professional or a certified alcohol and drug  
1 16 counselor.  
1 17 4. The mental health professional or certified alcohol and  
1 18 drug counselor shall report back to the court regarding the  
1 19 person's attendance and whether further treatment is  
1 20 recommended.  
1 21 5. This section does not apply to a violation of section  
1 22 123.104.  
1 23 Sec. 2. Section 903.1, subsection 1, unnumbered paragraph  
1 24 1, Code 2007, is amended to read as follows:  
1 25 If a person eighteen years of age or older is convicted of  
1 26 a simple or serious misdemeanor and a specific penalty is not  
1 27 provided for or if a person under eighteen years of age has  
1 28 been waived to adult court pursuant to section 232.45 on a  
1 29 felony charge and is subsequently convicted of a simple,  
1 30 serious, or aggravated misdemeanor, the court shall determine  
1 31 the sentence, and shall fix the period of confinement or the  
1 32 amount of fine, which fine shall not be suspended by the court  
1 33 except as provided in section 903.7, within the following  
1 34 limits:  
1 35 Sec. 3. Section 907.14, subsection 1, Code 2007, is  
2 1 amended to read as follows:  
2 2 1. Upon Except as provided in section 903.7, upon the  
2 3 entry of a deferred judgment pursuant to section 907.3, a  
2 4 defendant shall be assessed a civil penalty of an amount not  
2 5 less than the amount of any criminal fine authorized by law  
2 6 for the offense under section 902.9 or section 903.1.  
2 7 EXPLANATION  
2 8 This bill relates to receiving an evaluation in lieu of a  
2 9 criminal fine or civil penalty in a simple misdemeanor case.  
2 10 The bill provides that if a person is convicted of a simple  
2 11 misdemeanor offense under Code chapter 123 or Code chapter  
2 12 124, the court may suspend the fine and order the person to  
2 13 receive an evaluation from a mental health professional as  
2 14 defined in Code section 228.1 or a certified alcohol and drug  
2 15 counselor.  
2 16 If a person receives a deferred judgment for a simple  
2 17 misdemeanor offense under Code chapter 123 or Code chapter 124  
2 18 under the bill, the court may, in lieu of assessing the civil  
2 19 penalty pursuant to Code section 907.14, order the person to  
2 20 receive an evaluation from a mental health professional or a

2 21 certified alcohol and drug counselor.  
2 22     The bill also provides that the mental health professional  
2 23 or certified alcohol and drug counselor shall report back to  
2 24 the court about the person's attendance and whether further  
2 25 treatment is recommended.  
2 26     Under current law, a simple misdemeanor fine shall not be  
2 27 suspended. In addition, a civil penalty under current law  
2 28 must be assessed under Code section 907.14 if a person  
2 29 receives a deferred judgment.  
2 30     The simple misdemeanor offenses affected by the bill  
2 31 include: Code section 123.46 (consumption of alcohol), Code  
2 32 section 123.47 (persons under legal age), Code section 123.50  
2 33 (miscellaneous prohibitions), Code section 123.51  
2 34 (advertisements for alcoholic beverages), Code section 123.87  
2 35 (delay of service), Code section 123.90 (false  
3 1 statement=application), Code section 123.99 (false  
3 2 statement=shipment), Code section 123.102 (inspection of  
3 3 shipping records), and Code section 124.414 (drug  
3 4 paraphernalia).  
3 5     The bill does not apply to a violation of Code section  
3 6 123.104 (unlawful delivery).  
3 7 LSB 2076HH 82  
3 8 jm:nh/gg/14.1